UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,504	02/11/2004	Randy R. Dunton	42P18835	5268

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EXAMINER
DUNN, MISHAWN N

ART UNIT	PAPER NUMBER
2621	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/777,504	DUNTON, RANDY R.
	Examiner	Art Unit	
	MISHAWN DUNN	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 January 2008</u>.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-4,6,7,9-16,18,19,21-26 and 29-32</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-4,6,7,9-16,18,19,21-26, and 29-32</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>11 February 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
       1.☐ Certified copies of the priority documents have been received.
       2.☐ Certified copies of the priority documents have been received in Application No. _____.
       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   The rejection to claims 25-28 under 35 USC § 101 have been withdrawn due to
the amendment of claim 25.

2.   Applicant's arguments with respect to claims 1-7, 9-16, 18, 19, 21-26, and 29-32
have been considered but are moot in view of the new ground(s) of rejection.

3.   Applicant argues that Abe does not teach or suggest using a point in time in
which and editing command starts to determine the beginning of timestamp as recited in
claim 1.

        The examiner respectfully disagrees. Abe et al. teaches identifying scenes to edit
by allowing the user to designates the beginning and ending time code (col. 8, lines 22-
27 and 49-52; figs. 5 and 8). A time stamp denotes the time in which an event occurs
and it is well known in the art of video technology to use a timestamp/ time code for
logging material on a recoding medium. Therefore, the IN and OUT time codes
disclosed by Abe et al. are beginning and ending time stamps.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   1-4, 6, 7, 9-16, 18, 19, 21-26, and 29-32 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Lin et al. (US Pat. 6,707,778) in view of Abe et al. (US Pat. No.

6,965,723).

6.   Consider claim 1. Lin et al. teaches a method comprising: determining a

beginning time stamp for an edit segment in a digital recording; determining an ending

time stamp for the edit segment in the digital recording; and receiving an indication from

a user whether to modify the edit segment for subsequent viewing of the digital

recording based on the beginning and end time stamps(col. 7, lines 60-62; col. 8, lines

2-4).

        Lin et al. does not explicitly teach the beginning time stamp is determined as a

point in time in which an editing command starts, the ending time stamp is determined

as a point in time after the beginning time stamp when the user sends an indication to

stop editing.

        However, Abe et al. teaches the beginning time stamp is determined as a point in

time in which an editing command starts, the ending time stamp is determined as a

point in time after the beginning time stamp when the user sends an indication to stop

editing (col. 8, lines 22-27 and 49-52; figs. 5 and 8).

        Therefore, it would have been obvious to one with ordinary skill in the art, at the

time the invention was made to use, to provide a beginning and ending time stamp to

determine point to start and stop editing, in order to confirm the border regions of

scenes before editing occurs.

7.   Consider claim 2. Lin et al. teaches the method of claim 1, further comprising: modifying the edit segment in the digital recording according to the received indication from the user (col. 7, lines 60-62).

8.   Consider claim 3. Lin et al. teaches the method of claim 2, wherein modifying the edit segment includes skipping over the edit segment in a subsequent viewing of the digital recording (col. 7, lines 60-62).

9.   Consider claim 4. Lin et al. teaches the method of claim 2, wherein modifying the edit segment includes removing the edit segment from the digital recording (col. 7, lines 60-62).

10.   Consider claim 6. Abe et al. teaches the method of claim 5, wherein the editing command is a fast forward command (col. 6, lines 62-64).

11.   Consider claim 7. Abe et al. teaches the method of claim 5, wherein the editing command is a skip ahead command (col. 6, lines 62-64).

12.   Consider claim 9. Abe et al. discloses wherein the indication to stop editing includes executing a play command (col. 6, lines 62-64).

13.   Consider claim 10. Abe et al. discloses the indication to stop editing includes not executing a skip ahead command for a period of time (col. 7, lines 38-39).

14.   Consider claim 11. Abe et al. discloses the indication to stop editing includes not executing a rewind command for a period of time (col. 7, lines 38-39).

15.   Consider claim 12. Abe et al. discloses the indication to stop editing includes not executing a skip back command for a period of time (col. 7, lines 38-39).

16.   Consider claim 25. Lin et al. teaches a machine-readable medium storing a

computer program which, when executed by a processing system (col. 4, lines 33-37;

fig. 2), cause the processing system to perform a method, the method comprising:

determining a beginning time stamp for an edit segment in a digital recording;

determining an ending time stamp for the edit segment in the digital recording; and

receiving an indication from a user whether to modify the edit segment for subsequent

viewing of the digital recording based on the beginning and ending time stamps (col. 7,

lines 60-62; col. 8, lines 2-4).

        Lin et al. does not explicitly teach the beginning time stamp is determined as a

point in time in which an editing command starts, the ending time stamp is determined

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        However, Abe et al. teaches the beginning time stamp is determined as a point in

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editing (col. 8, lines 22-27 and 49-52; figs. 5 and 8).

        Therefore, it would have been obvious to one with ordinary skill in the art, at the

time the invention was made to use, to provide a beginning and ending time stamp to

determine point to start and stop editing, in order to confirm the border regions of

scenes before editing occurs.

17.   Consider claim 29. Abe et al. discloses receiving the indication from the user includes an on-the-fly indication of whether to keep or delete the beginning time stamp (col. 9, lines 50-52).

18.   Consider claim 30. Abe et al. discloses receiving the indication from the user includes an on-the-fly indication of whether to keep or delete the ending time stamp (col. 9, lines 50-52).

19.   Claims 13-16, 18, 19, 21-24, 26, 31, and 32 are rejected using similar reasoning as the corresponding claims above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

        Any inquiry concerning this communication or earlier communications from the examiner should be directed to MISHAWN DUNN whose telephone number is

(571)272-7635. The examiner can normally be reached on Monday - Friday 7:30 aM to

5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thai Tran can be reached on (571)272-7382. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MISHAWN DUNN/
Examiner, Art Unit 2621
April 29, 2008

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621